S.B.CRIMINAL MISC. BAIL APPLICATION NO.5857/2006

Date : 11.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. J.R. Beniwal for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that other accused person have already been granted bail, therefore, the present applicant may also be enlarged on bail.

On the other hand, learned Public Prosecutor has argued that the present case depends on circumstantial evidence and the allegation against the applicant is that he took the deceased-wife of the complainant with him and thereafter she was not found and ultimately her skeleton was found. He submits that at the instance of the applicant bones etc. has been recovered, therefore, his case is different from

the other accused person, who have been granted bail.

I have considered the submission made before me.

Without expressing any opinion on the merit of case while taking into consideration the overall facts and circumstances of the present case, I do not feel inclined to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. stands rejected.

(SATYA PRAKASH PATHAK), J.

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